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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARON EZRA WESSEL,	No. 2:20-cv-2528 CKD P
Plaintiff,	
v.	<u>ORDER</u>
SISKIYOU COUNTY,	
Defendant.	

Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1). Plaintiff has paid the filing fee.

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2).

The court has reviewed plaintiff’s complaint and finds that it fails to state a claim upon which relief can be granted under federal law. Plaintiff’s complaint must be dismissed. The court will, however, grant leave to file an amended complaint.

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1 Plaintiff sues Siskiyou County for damages. Plaintiff is informed that municipalities  
2 cannot be held vicariously liable under § 1983 for the actions of their employees. Monell v.  
3 Dep't of Social Services, 436 U.S. 585 at 691, 694 (1978). "Instead, it is when execution of a  
4 government's policy or custom, whether made by its lawmakers or by those whose edicts or acts  
5 may fairly be said to represent official policy, inflicts the injury that the government as an entity  
6 is responsible under § 1983." Id. at 694. Plaintiff does not allege that he was harmed as the result  
7 of a policy or custom of Siskiyou County.

8 With respect to individual defendants (i.e. not governmental entities such as a  
9 municipality) there can be no liability under 42 U.S.C. § 1983 unless there is some affirmative  
10 link or connection between a defendant's actions and the claimed deprivation. Rizzo v. Goode,  
11 423 U.S. 362 (1976). Furthermore, vague and conclusory allegations of official participation in  
12 civil rights violations are not sufficient. Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir.  
13 1982). In order to proceed against an individual, plaintiff must allege facts suggesting an  
14 individual caused him injury as a result of that individual's violation of plaintiff's federal rights.

15 Plaintiff indicates he seeks injunctive relief, but does not indicate what sort of relief he  
16 seeks. In order to proceed on a claim for injunctive relief, plaintiff must point to facts indicating  
17 his federal rights are being violated, by whom, and identify the form of relief he seeks. Unlike a  
18 claim for damages, plaintiff may seek injunctive relief against a municipality if an employee of  
19 the municipality is responsible for the ongoing violation of plaintiff's rights.

20 Finally, plaintiff is informed that the court cannot refer to a prior pleading in order to  
21 make plaintiff's amended complaint complete. Local Rule 220 requires that an amended  
22 complaint be complete in itself without reference to any prior pleading. This is because, as a  
23 general rule, an amended complaint supersedes the original complaint. See Loux v. Rhay, 375  
24 F.2d 55, 57 (9th Cir. 1967). Once plaintiff files an amended complaint, the original pleading no  
25 longer serves any function in the case. Therefore, in an amended complaint, as in an original  
26 complaint, each claim and the involvement of each defendant must be sufficiently alleged.

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In accordance with the above, IT IS HEREBY ORDERED that:

1. Plaintiff's complaint is dismissed.

2. Plaintiff is granted thirty days to file an amended complaint that complies with the requirements of this order, the Civil Rights Act, the Federal Rules of Civil Procedure, and the Local Rules of Practice. The amended complaint must bear the docket number assigned this case and must be labeled "Amended Complaint." Failure to file an amended complaint in accordance with this order will result in a recommendation that this action be dismissed.

Dated: May 4, 2021



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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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